

ESTTA Tracking number: **ESTTA378259**

Filing date: **11/12/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sling Media, Inc.
Granted to Date of previous extension	11/13/2010
Address	1051 E. Hillsdale Blvd Suite 500 Foster City, CA 94404 UNITED STATES
Attorney information	Max S. Gratton DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112 UNITED STATES ipdept@dishnetwork.com Phone:303 723 1616

Applicant Information

Application No	77955646	Publication date	09/14/2010
Opposition Filing Date	11/12/2010	Opposition Period Ends	11/13/2010
Applicant	AHMED, BURHAN U. 5540 Centerview Drive Suite 200 Raleigh, NC 27606 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2009/10/30 First Use In Commerce: 2009/11/15

All goods and services in the class are opposed, namely: Application service provider (ASP), namely, hosting computer software applications of others; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management; Application service provider featuring application programming interface (API) software for use in building software applications; Application service provider featuring software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Application service provider, namely, providing, hosting, managing, developing, researching, analyzing, reporting, and maintaining applications, software, web sites, and databases of others in the fields of healthcare, benefits programs, employee productivity, risk management; Application service provider, namely, providing, hosting, managing, developing, researching, tracking, analyzing, reporting, and maintaining applications, software, web sites, and databases of others in the fields of advertising and marketing; Back-up services for computer hard drive data; Building and maintaining websites; Charitable services, namely, providing a website that enables children of a

school district to communicate with a charity of their choice; Charitable services, namely, providing computer equipment to schools; Cloud computing featuring software for use in virtualization, hosting, database management and application hosting; Computer aided design for others; Computer aided graphic design; Computer and computer software rental; Computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; Computer code conversion for others; Computer compatibility services, namely, data mapping; Computer consultation; Computer consultation in the field of computer security; Computer diagnostic services; Computer disaster recovery planning; Computer forensic services; Computer graphics services; Computer hardware and software consulting services; Computer hardware and software design; Computer hardware development; Computer modeling services, namely, computer simulation from computer programs for others; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming; Computer programming and computer system analysis; Computer programming and maintenance of computer programs; Computer programming and rental of computer programs; Computer programming and software design; Computer programming consultancy; Computer programming for others; Computer programming in the medical field; Computer programming services; Computer programming services for commercial analysis and reporting; Computer programming services for customers that enables the customer's digital devices to process natural language queries from end users; Computer programming services for others in the field of software configuration management; Computer programming services to create online facilities that will provide telecommunications support; Computer programming services, namely, content creation for virtual worlds and three dimensional platforms; Computer project management services; Computer project management services in the field of telecommunications; Computer security consultancy; Computer security consultancy in the field of scanning and penetration testing of computers and networks to assess information security vulnerability; Computer security service, namely, hard drive erasure; Computer security service, namely, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities; Computer service, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data to allow users to perform, on-line, the collecting and analyzing of different types of opinion surveys; Computer service, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of hosting email accounts, websites, applications and Intranet sites for commercial clients; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; Computer services, namely, computer system administration for others; Computer services, namely, continual monitoring and updating of a customer's English website for changes and editing and making these changes to the customer's multilingual website(s) without involvement from the customer's internal IT resources; Computer services, namely, creating an on-line community for registered users to participate in competitions, showcase their skills, get feedback from their peers, form virtual communities, engage in social networking and improve their talent; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media and topics on jewelry and fashion accessories; Computer services, namely, creating an on-line community for registered users to showcase their vehicles, participate in competitions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, creating an on-line community of land owners concerned with land stewardship; Computer services, namely, creating an on-line virtual environment for trading virtual real estate; Computer services, namely, creating and maintaining web sites for others; Computer services, namely, creating indexes of information, sites and other resources available on computer networks; Computer services, namely, data recovery

services; Computer services, namely, database development services, namely, configuration and customization of computer databases containing information regarding public health care eligibility; Computer services, namely, designing and implementing network web pages for others; Computer services, namely, designing and implementing on demand web sites in the nature of turnkey packages allowing customers to create ecommerce web sites for the purpose of uploading photos and creating gifts; Computer services, namely, designing and implementing web sites for others; Computer services, namely, digital formatting and compression of music and images, namely, processing of digital music and video images into downloadable products; Computer services, namely, electronically gathering, analyzing and formatting data to track, locate, monitor and log operations in the oil industry; Computer services, namely, filtering of unwanted e-mails; Computer services, namely, hosting an interactive web site that allows families to record and display family profiles, relationships, interests, audio and video content; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, hosting and maintaining an on-line web site for others to access their email accounts, documents, websites, Intranet sites, and applications; Computer services, namely, hosting of inspection, testing, and quality control services' digital content of others; Computer services, namely, hosting on-line interactive public calendars that allow multiple participants to share event schedules, facility reservations, and transportation requests; Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; Computer services, namely, hosting on-line web facilities for others to showcase songwriting and musical talents and for facilitating and conducting online connections, collaborations, and interactive discussions about songwriting and music; Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; Computer services, namely, managing on-line waitlists and automation of the waitlist process for others; Computer services, namely, managing web sites for others; Computer services, namely, microcontroller programming; Computer services, namely, monitoring and reporting on the performance, availability, and errors of web sites of others; Computer services, namely, monitoring the performance of participants at sporting events by tracking a computer chip worn by a sporting participant; Computer services, namely, monitoring the web sites of others to improve scalability and performance of web sites of others; Computer services, namely, monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the web sites of others; Computer services, namely, on-line scanning, detecting, quarantining and eliminating viruses, worms, trojans, spyware, adware, malware and unauthorized data and programs on computers and electronic devices; Computer services, namely, providing a web site for others that automates party and entertainment events management that consists of guest lists, guest information, restaurant information, gift registry information, gift cost sharing, and invitation creation and delivery; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training, education, testing and certification materials in the field of education; Computer services, namely, providing a web-based system and online portal for customers to remotely manage, administer, modify and control their end user computer devices, data and software applications; Computer services, namely, providing an interactive web site that allows users to collect, store, manage, deliver and showcase electronic and paper-based content; Computer services, namely, providing an interactive web site that allows users to create their own books; Computer services, namely, providing search engines for obtaining data from journals and other publications on a global computer network; Computer services, namely, providing search engines for obtaining data on a global computer network; Computer services, namely, providing search platforms to allow users to request content from and receive content to a mobile device; Computer services, namely, redirecting electronic mail to changed personal electronic address; Computer services, namely, remote and on-site management of electronic messaging systems and applications for others; Computer services, namely, remote and on-site management of the information technology (IT) systems of others; Computer services, namely, remote management of computer applications for others; Computer services, namely, search engine optimization; Computer services, namely, the re-direction and forwarding of messages; Computer services, namely, uploading music to the Internet for others; Computer site design; Computer software consultancy; Computer software consultation; Computer software consulting; Computer software design; Computer software design and updating; Computer software design for others; Computer software design, computer programming, or maintenance of computer software; Computer software development; Computer software development and computer programming development for others; Computer software development in

the field of freight transportation by truck, rail, air and ocean; Computer software development in the field of mobile applications; Computer software development in the field of databases and applications; Computer software installation and maintenance; Computer software rental; Computer system design services; Computer systems analysis; Computer systems integration services; Computer technical support services, namely, 24/7 service desk/help desk services for IT infrastructure, operating systems, database systems, and web applications.; Computer technology support services, namely, help desk services; Computer time-sharing services; Computer virus protection services; Computer-aided engineering services for others; Conducting electronic discovery services via global computer networks for lawyers and corporations; Consultation services in the fields of selection, implementation and use of computer hardware and software systems for others; Consulting in the field of configuration management for computer hardware and software; Consulting services in the field of cloud computing; Consulting services in the field of computer-based information systems for businesses; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting services in the field of hosting computer software applications; Consulting services in the field of identification, support, and implementation of computer-based information systems for businesses; Consulting services in the field of providing online, non-downloadable software and applications; Consulting services, namely, designing, creating, implementing and maintaining computer software for owners, managers and other personnel to set-up, open, operate and manage a commercial climbing facility; Creating of computer programs; Creating, maintaining, and modernizing computer software; Customization of computer hardware and software; Data conversion of computer program data or information; Data conversion of computer programs and data, not physical conversion; Debugging computer software for others; Design and creation of computer-modeled versions of human beings using computer animation for use in movies, television, internet and other applications; Design and creation of computer-modeled versions of human beings using computer animation for use in movies, television, internet, games and other applications; Design and development of computer game software and virtual reality software; Design and development of computer hardware; Design and development of computer hardware and software; Design and development of computer hardware for the manufacturing industries; Design and development of computer software; Design and development of computer software for the improvements of purchasing functions of business; Design and development of computers and programs for computers; Design and development of integrated data collection and wireless transmission hardware systems for equipment and for software applications associated with that equipment at mining, construction, and industrial sites; Design and development of on-line computer software systems; Design and development of wireless computer networks; Design and maintenance of computer sites for third parties; Design for others in the field of computer networks, software, and engineering for the small to medium size businesses; Design of computer database; Design of computer hardware, integrated circuits, communications hardware and software and computer networks for others; Design of computer machine and computer software for commercial analysis and reporting; Design of computer networks and software for others for the purpose of remote access; Design of computer programs and software relating to aircraft; Design of computers; Design of computers for others; Design of home pages, computer software and web sites; Design of homepages and websites; Design of patterns for application to aircraft propellers; Design, creation, hosting and maintenance of internet sites for third parties; Design, creation, hosting, maintenance of websites for others; Design, development, installation and maintenance of computer software; Design, engineering, research, development and testing services in the field of polymeric materials, polymer synthesis, and materials customization for medical, scientific, and technological applications; Design, installation, updating and maintenance of computer software; Design, maintenance, development and updating of computer software; Design, updating and rental of computer software; Design, upgrading and rental of computer software; Designing and developing computer game software and video game software for use with computers, video game program systems and computer networks; Designing and developing webpages on the internet; Designing and modifying computer programs and video games for others; Designing computer software for controlling self-service terminals; Designing websites for advertising purposes; Designing, creating, maintaining and hosting online retail and electronic commerce websites for others; Developing and managing application software and databases for delivery of multi-media content provided by museums and other tour venues for use on multiple types of wireless mobile devices; Developing and updating computer software; Developing computer programs for electronic cash register systems; Developing computer software; Development and creation of computer programmes for data processing; Development of computer hardware for computer games; Development of computer programs recorded on data media (software) designed for use in construction and automated

manufacturing (cad/cam); Digital compression of computer data, business files, multiple media files; Digital transfer services for transferring home videos and film to DVD and the internet; Displaying the web sites and images of others on a computer server; Document data transfer from one computer format to another; Duplicating computer programs; Duplication of computer programs; Electronic digitizing of photographs into a computer readable media; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Hosting an on-line community web site featuring blogs, email accounts, documents, Intranet websites, and applications; Hosting an online community website featuring shared communications between community members interested in personal and small business computer information security; Hosting an online website featuring email accounts, Intranet websites, and applications; Hosting of digital content on the Internet; Hosting of web sites; Hosting the digital audio and video content of others for the purpose of enabling hotel, inn, and other lodging establishment guests to download the content on a pay per view basis; Hosting the software, websites and other computer applications of others on a virtual private server; Hosting the web sites of others; Hosting the web sites of others on a computer server for a global computer network; Hosting websites on the Internet; Installation and maintenance of computer software; Installation and maintenance of Internet access software; Installation of computer software; Installation, maintenance and repair of computer software; Installation, maintenance and repair of software for computer systems; Installation, repair and maintenance of computer software; Installing computer programs; Integration of computer systems and networks; Leasing computer facilities; Leasing of computers; Lighting design and technology specification services pertaining to permanent or temporary architectural, theatrical, entertainment, commercial and/or residential applications; Maintenance and updating of computer software; Maintenance and upgrading of computer software; Maintenance of computer software; Maintenance of computer software relating to computer security and prevention of computer risks; Maintenance of computer software used for operating filling apparatus and machines; Maintenance of software for Internet access; Maintenance of websites and hosting on-line web facilities for others; Monitoring the computer systems of others for technical purposes and providing back-up computer programs and facilities; On-line batch computer services; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; Periodic upgrading of computer software for others; Planning, design, development, maintenance and optimization of online websites for third parties; Preparation, update, installation and maintenance of computer software; Professional computer services, namely, network analysis, LAN/WAN design, wireless engineering, virtualization and computer project management; Programming of computer software for others; Programming of multimedia applications; Providing a secured-access website that gives registered Internet networked institutions the ability to upload, view, copy, print, download and share documents and images for the purposes of conducting consumer-driven transactions; Providing a web site featuring technology that enables internet users to book travel; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share data; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share fitness-related data, as well as providing health and fitness professionals with a subscription-based client management system; Providing a web site featuring technology that enables internet users to develop individual playlists that create personalized TV viewable channels from favorite web sites for independent or simultaneous viewing or sharing of channels; Providing a web site featuring technology that enables internet users to share documents, images and videos; Providing a web site featuring technology that enables internet users to submit comments of personal recognition; Providing a web site that features information on computer technology and programming; Providing a web site that gives computer users the ability to upload and share user-generated videos, essays and articles on a wide variety of topics and subjects; Providing a web site that gives computer users the ability to upload and share video-based scientific protocols and other scientific-based videos; Providing a web site that gives computer users the ability to upload and share videos describing what they would do to better the world or their community if they were awarded one million dollars; Providing a web site that gives computer users the ability to upload and share videos providing inspiration and motivation for women; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Providing a web site that gives computer users the ability to upload, exchange and share prayers; Providing a web site that gives multiple computer users simultaneously the ability to upload, create and edit documents, printed publications, online publications, photographs, product packaging and advertisements; Providing a website allowing users to upload and download music; Providing a website featuring a media aggregator and search engine for internet content; Providing a website featuring a searchable on-line quality evaluation of rarities for the purpose of measuring the scarcity

of rare collectible objects; Providing a website featuring environmental information about climate change and bio-diversity; Providing a website featuring information about green architecture, interior design, sustainable community planning and infrastructure development; Providing a website featuring information about investigational medical devices, diagnostic and drugs; Providing a website featuring information in the field of interior design and architecture for use by interior designers and architects; Providing a website featuring non-downloadable videos featuring scientific information in the field of climate change; Providing a website featuring on-line non-downloadable software that enables users to create audio drama series and episodes, write scripts, audition and assign talent, record and mix audio, publish produced audio dramas, track and analyze audio drama statistics, advertise and market audio dramas, and stream and/or download audio dramas; Providing a website featuring on-line non-downloadable software tools for image editing; Providing a website featuring technology that enables users to list, share and view information describing the geographic location of various interests of the user; Providing a website featuring technology that enables users to upload and share user-generated videos on a wide variety of topics and subjects; Providing a website that enables users to subscribe to coaching, mentoring, and/or educational services and to enable users to author and publish instructional content for others; Providing a website that features technology that enables the secure exchange of information by users; Providing a website that gives computer users the ability to subscribe to online publications permitting searches of building codes and standards; Providing a website that gives users the ability to create customized web pages featuring user-defined information; Providing a website that gives users the ability to create customized web pages featuring user-defined profiles; Providing a website that gives users the ability to purchase downloadable music; Providing a website that gives users the ability to vote for their favorite musical artists; Providing an interactive website featuring technology that allows users to enter, access, and synthesize information and generate reports for use in consulting with executives and businesses; Providing an interactive website featuring technology that allows users to upload, download, share and sell custom and branded digital publications; Providing an online website for creating and hosting micro websites for businesses; Providing computer programming services to customers that enables the customer's website to process natural language queries; Providing computer programming services to customers that enables them to provide video and audio content on their web sites; Providing customer-defined generated content and content of others automatically selected and customized based on the known or estimated geographical location of an Internet, mobile telephone or other wired or wireless digital network based customer; Providing information at the specific request of end-users by means of telephone or global computer networks; Providing information in the fields of forensic science via the Internet; Providing information relating to on-line non-downloadable software to facilitate electronic communication between individuals provided via the Internet; Providing internet based data capture services that enable the exchange of information via the internet from residential mortgage borrowers to institutions for use in loan workouts; Providing medical research and scientific research information in the field of oncology via the Internet; Providing online research and reference services via an on-line computer network by librarians and reference service specialists; Providing periodic updates to subscribers of web feeds pulled from websites selected by the subscriber by means of electronic mail; Providing specific information as requested by customers via the Internet; Providing technical information updates of industrial process control computer software via the global computer network; Providing technology information updates for home security systems via the global computer network; Providing temporary use of non-downloadable cognitive stimulation computer programs that help maintain an active brain and thus improve memory, speed of processing, and that provide a variety of cognitive benefits that positively impact quality of life; Providing temporary use of non-downloadable computer software for preparing invoices over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for preparing shipping documents over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for shipment processing over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking documents over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking freight over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking packages over computer networks, intranets and the internet; Provision of Internet search engines; Provision of search engines for the Internet; Recovery of computer data; Remote computer backup services; Remote computer network technical monitoring and software maintenance services; Remote online backup of computer data; Rental and maintenance of computer software; Rental of application software; Rental of computer hardware; Rental of computer hardware and computer peripherals; Rental of computer hardware and computer


software; Rental of computer software; Rental of computer software and programs; Rental of computer software, data processing equipment and computer peripheral devices; Rental of computers; Rental of computers and software; Rental of computers relating to computer security and prevention of computer risks; Rental of software for Internet access; Rental services relating to data processing equipment and computers; Renting computer software; Repair of computer software; Repair of damaged computer programs; Research and development of computer software; Research, development, design and upgrading of computer software; Room design consisting of selection of artwork, lighting, and furnishings for an environment designed to help achieve mental wellness, including stress management and relaxation, using computer controlled advanced sound wave technology; Scientific and technological services and research and design in the field of integrated system architecture that allows for the rapid development of highly interactive and customizable learning applications; Searching and retrieving information, sites, and other resources available on computer networks for others; Software as a service (SAAS) services, namely, hosting software for use by others for use to access applications, documents and data remotely, access email accounts, access Intranets and databases; Technical consulting and assistance with computer-based information systems and components; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, 24x7 monitoring of network systems, servers and web and database applications and notification of related events and alerts; Technical support services, namely, installation, administration, and troubleshooting of web and database applications; Technical support services, namely, migration of datacenter, server and database applications; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technical support services, namely, troubleshooting of computer software problems; Technical support services, namely, troubleshooting of industrial process control computer software problems; Technical support, namely, providing back-up computer programs and facilities; Technological consultation in the technology field of hosted computers, virtualization, datacenter setups, hosted applications, databases design, management and hosting; Technology advice provided to Internet users by means of a support hotline; Think tank services, namely, providing new ideas and concepts for web-based applications for others; Tracking and reporting of online website performance to determine the technological effectiveness of the websites for non-business purposes; Up-dating of computer software; Update of computer software; Updating and design of computer software; Updating and maintenance of computer software; Updating of computer programs for third parties; Updating of computer software for others; Updating of computer software relating to computer security and prevention of computer risks; Updating websites for others; Web site hosting services; Website design and development for others; Website development for others; Website usability testing services; Writing and updating computer software

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3719986	Application Date	01/09/2007
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	SLING		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2005/06/16 First Use In Commerce: 2005/06/16 Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; audio/video receivers; digital media adapters; video processors; video transmitters; remote controls for televisions and stereos; electronic devices, namely, digital media streaming devices; computer hardware; computer software for receiving digital video over a communication network from another device; computer software for use in organizing, transmitting, receiving, playing and reviewing data, image, audio, and video files</p> <p>Class 038. First use: First Use: 2008/11/24 First Use In Commerce: 2008/11/24 Transmitting video, image, audio and data information via computer networks; streaming of audio and video material on the Internet; information transmission via electronic communications networks; audio and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting information, audio, and video content; providing access to electronic sites featuring information, audio, video, online forums, and blogs; providing electronic bulletin boards for transmission of messages among users in the field of general interest</p> <p>Class 041. First use: First Use: 2008/11/24 First Use In Commerce: 2008/11/24 Entertainment services, namely, providing a website featuring information in the field of entertainment, providing a website featuring audio clips from a wide variety of television programs and movies; and providing a website featuring video clips; on-line journals, namely, blogs featuring audio clips, video clips, and other multimedia materials in the field of entertainment. Entertainment services, namely, providing a website featuring information in the field of entertainment, providing a website featuring audio clips from a wide variety of television programs and movies, and providing a website featuring video clips; on-line journals, namely, blogs featuring audio clips, video clips, and other multimedia materials in the field of entertainment</p>		
U.S. Registration No.	3851688	Application Date	05/06/2009
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	SLING		

Design Mark	SLING
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2008/11/24 First Use In Commerce: 2008/11/24 providing on-line non-downloadable software to enable streaming of video, image, audio and data information; providing on-line non-downloadable software to enable information transmission via electronic communications networks; computer services, namely, creating indexes of information and multimedia materials available on computer networks; computer services, namely, providing search platforms to allow users to find video, image, audio, and data information

U.S. Registration No.	3402927	Application Date	06/06/2004
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	SLINGBOX		
Design Mark	SLINGBOX		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/06/16 First Use In Commerce: 2005/06/16 Computer hardware and software for streaming audio and video content to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA's) and stand-alone hardware decoders		

U.S. Registration No.	3581637	Application Date	06/04/2004
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	SLING MEDIA		

Design Mark	SLING MEDIA
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/06/16 First Use In Commerce: 2005/06/16 Computer hardware and software for streaming audio and video content to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA'S), and stand-alone hardware decoders; audio/video receivers, digital media adapters, video processors, video transmitters, remote controls, switches, digital video distribution systems


U.S. Registration No.	3823242	Application Date	06/29/2005
Registration Date	07/20/2010	Foreign Priority Date	NONE
Word Mark	SLINGPLAYER		
Design Mark	SLINGPLAYER		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/06/16 First Use In Commerce: 2005/06/16 DOWNLOADABLE COMPUTER SOFTWARE FOR STREAMING AUDIO AND VIDEO CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS, AND STAND-ALONE HARDWARE DECODERS		

U.S. Registration No.	3859053	Application Date	08/24/2009
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	SLINGPLAYER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2008/11/23 First Use In Commerce: 2008/11/23 Providing on-line non-downloadable software to enable streaming of video, image, audio and data information; providing on-line non-downloadable software to enable information transmission via electronic communications networks


U.S. Registration No.	3720083	Application Date	06/29/2005
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	SLINGSTREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO AND VIDEO CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS, AND STAND-ALONE HARDWARE DECODERS		


U.S. Registration No.	3812922	Application Date	05/26/2009
Registration Date	07/06/2010	Foreign Priority Date	NONE
Word Mark	SLINGLINK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/12/07 First Use In Commerce: 2005/12/07 Computer hardware and software for providing access to the Internet from a variety of network devices, namely, personal computers, stand-alone hardware decoders, audio/video receivers, digital video recorders, digital media adapters, satellite receivers, cable receivers, terrestrial television receivers, and televisions; broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems


U.S. Registration No.	3644003	Application Date	01/09/2007
Registration Date	06/23/2009	Foreign Priority Date	NONE
Word Mark	SLINGCATCHER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/09/30 First Use In Commerce: 2008/09/30 Computer hardware and software for use in delivering audio, video and image content and information to televisions or other video monitors		

U.S. Registration No.	3680189	Application Date	01/09/2007
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	SLINGPROJECTOR		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/09/30 First Use In Commerce: 2008/09/30 Computer software for use in transmitting a combination of the audio, video and image output from a computer over a network for display on a television or other video monitor

U.S. Application No.	77079433	Application Date	01/09/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Television sets; liquid crystal displays Class 035. First use: Advertising services, promotion and marketing services consisting of providing electronic media or information over the Internet or other communications network		


U.S. Application No.	77645845	Application Date	01/08/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLINGLOADED		


Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>Computer hardware for streaming audio, video, image and data information to a variety of client devices, namely, televisions, personal computers, mobile phones, personal digital assistants (PDA), and audio and video decoders; software for streaming audio, video, image and data information to a variety of client devices, namely, televisions, personal computers, mobile phones, personal digital assistants (PDA), and audio and video decoders; television sets; personal computers, mobile phones; storage devices, namely, flash drives, flash disks, memory keys, data keys, and data sticks for storing audio, video, image, and data information; place shifting devices for viewing live or recorded audio and video content from remote locations; audio decoders; video decoders; displays, namely, computer displays, computer monitors, liquid crystal displays; satellite, cable, and terrestrial television receivers; digital camcorders; digital cameras; portable media players; home audio and video servers; audio/video receivers; digital video recorders; digital media adapters; video processors; video transmitters; electronic apparatus and devices for controlling access to pay-television services; communications software, namely, networking software for audio, video and data distribution systems; distribution systems comprised of computer hardware and computer software for transmitting audio, video and data signals from a receiver to presentation client devices; remote controls for televisions, radios, stereos, television receivers, multimedia devices, personal computers and media servers; personal digital assistants (PDA); video capture cards; networked security cameras; software reflecting the on-screen listings of available television programming; broadband power line communication devices comprised of computer hardware, computer software and modems for transmitting data over power lines; software to enable uploading, posting, showing, modifying, displaying, tagging, blogging, sharing or otherwise providing electronic media and information over the Internet or other communications networks; computer hardware and software for controlling the operation of audio and video devices and for viewing, searching and playing audio, video, television, movies, photographs and other digital images; portable digital electronic devices, namely, mobile telephones, personal digital assistants, portable media players and laptop computers for recording, organizing, transmitting, receiving, manipulating, playing and reviewing data, image, audio, and video information; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing data, image, audio, and video information; and parts for the aforementioned goods; and operator maintenance and instructional manuals distributed as a unit with the aforementioned goods</p> <p>Class 038. First use:</p> <p>Transmission of video, image, audio and data information via satellite, cable, wireless, Internet, fiber optics, and computer communication networks; streaming of audio and video material on the Internet; information transmission via electronic communications networks; audio and video broadcasting services over the Internet or other communications networks; providing access to</p>

	electronic sites featuring information, audio and video via websites, online forums, chat rooms and blogs; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the fields of entertainment and general interest; telecommunication services, namely, transmission of video, image, audio, and data information via satellite, cable, wireless and fiber optic technology for display in connection with television viewing and in global computer networks; television transmission services
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U.S. Application No.	77730779	Application Date	05/06/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLINGGUIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: Streaming of audio and video material on the Internet; information transmission via electronic communications networks; electronically transmitting video, image, audio and data information; providing access to electronic sites featuring video, image, audio, and data information</p> <p>Class 042. First use: Providing websites featuring on-line non-downloadable software allowing website users to remotely access, record and view television programming via personal computers, mobile phones, personal digital assistants, and laptop computers; providing websites featuring on-line non-downloadable software allowing website users to search, categorize, and display video, image, audio, and data information in the field of entertainment and general interest</p>		

U.S. Application No.	77730778	Application Date	05/06/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLINGMONITOR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: Video apparatus, namely, television screens, plasma displays, liquid crystal displays, computer displays, personal computers, and television sets

U.S. Application No.	77730783	Application Date	05/06/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: computer services, namely, uploading video, image, audio and data information to the Internet for others		

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Max S Gratton/
Name	Max S. Gratton
Date	11/12/2010

To the best of Opposer's knowledge, the name and address of Applicant is Burhan U. Ahmed, 5540 Centerview Drive, Suite 200, Raleigh, North Carolina 27606 (hereinafter "Applicant").

The grounds for the opposition are as follows:

1. Opposer is a well-known provider of audio and video communication services and entertainment, news and informational content, audio and video equipment, audio and video software and other multimedia content.

2. Since at least 2004, Opposer has continuously used the SLING and SLING-inclusive trademarks and trade names in interstate commerce and/or commerce between the United States and foreign countries, including, but not limited to: "SLING", "SLING MEDIA", "SLINGBOX", "SLINGSTREAM", "SLINGLINK", "SLINGLOADED", "SLINGPLAYER", "SLINGCATCHER", "SLINGPROJECTOR" and "SLINGGUIDE" (hereinafter the "SLING Marks").

3. Opposer manufactures and markets, in the United States and beyond, a wide variety of audio and video hardware and software under the SLING Marks.

4. Since at least 2006, Opposer has operated a web site SLINGMEDIA.COM, providing information, support and purchasing of its audio and video hardware and software.

5. Since at least 2008, Opposer has operated a web site SLING.COM, providing audio and video content, news and information to users via the internet, including videos, photos and other multimedia content. More particularly, the SLING.com web site allows users to view various television programs and other videos.

6. Opposer provides audio and video communication services under the SLING Marks, including communication services offered through its SLINGMEDIA.COM, SLING.COM and SLINGBOX.com web sites

7. When used in connection with the Opposer's goods and services, the SLING Marks and trade names are inherently distinctive.

8. Opposer and its affiliates have expended considerable time, money and effort in advertising and promoting the SLING Marks, the products and services sold under the SLING Marks, and in developing substantial and exclusive goodwill and reputation in connection with the marks and the goods and services associated therewith.

9. As a result of these expenditures, combined with substantial sales of quality goods and services sold under the SLING Marks, the relevant consuming public has come to recognize the SLING Marks as favorably distinguishing Opposer's goods and services from those of others.

10. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark Registration 3,719,986, for the mark SLING, covering the goods "Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; audio/video receivers; digital media adapters; video processors; video transmitters; remote controls for televisions and stereos; electronic devices, namely, digital media streaming devices; computer hardware; computer software for receiving digital video over a communication network from another device; computer software for use in organizing, transmitting, receiving, playing and reviewing data, image, audio, and video files" and the services "Transmitting video, image, audio and data information via computer networks; streaming of audio and video material on the Internet; information transmission via electronic communications networks; audio and video broadcasting

services over the Internet or other communications networks, namely, electronically transmitting information, audio, and video content; providing access to electronic sites featuring information, audio, video, online forums, and blogs; providing electronic bulletin boards for transmission of messages among users in the field of general interest, Entertainment services, namely, providing a website featuring information in the field of entertainment, providing a website featuring audio clips from a wide variety of television programs and movies; and providing a website featuring video clips; on-line journals, namely, blogs featuring audio clips, video clips, and other multimedia materials in the field of entertainment. Entertainment services, namely, providing a website featuring information in the field of entertainment, providing a website featuring audio clips from a wide variety of television programs and movies, and providing a website featuring video clips; on-line journals, namely, blogs featuring audio clips, video clips, and other multimedia materials in the field of entertainment”, filed on January 9, 2007 and registered on December 1, 2009. A true and correct copy of the SLING registration is attached hereto as Exhibit A.

11. In addition to the Opposer’s senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark Registration 3,851,688, for the mark SLING, covering the services “providing on-line non-downloadable software to enable streaming of video, image, audio and data information; providing on-line non-downloadable software to enable information transmission via electronic communications networks; computer services, namely, creating indexes of information and multimedia materials available on computer networks; computer services, namely, providing search platforms to allow users to find video, image, audio, and data information”, filed on May 6, 2009 and registered on September 21, 2010. A true and correct copy of the SLING registration is attached hereto as Exhibit B.

12. In addition to the Opposer’s senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark Registration 3,402,927, for the mark SLINGBOX, covering the goods “computer

hardware and software for streaming audio and video content to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA's) and stand-alone hardware decoders”, filed on June 6, 2004 and registered on March 25, 2008. A true and correct copy of the SLINGBOX registration is attached hereto as Exhibit C.

13. In addition to the Opposer’s senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,581,637, for the mark SLING MEDIA, covering the goods “Computer hardware and software for streaming audio and video content to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA'S), and stand-alone hardware decoders; audio/video receivers, digital media adapters, video processors, video transmitters, remote controls, switches, digital video distribution systems”, filed on June 4, 2004 and registered on February 24, 2009. A true and correct copy of the SLING MEDIA registration is attached hereto as Exhibit D.

14. In addition to the Opposer’s senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,823,242, for the mark SLINGPLAYER, covering the goods “Downloadable Computer Software For Streaming Audio And Video Content To A Variety Of Network Devices, Namely, Personal Computers, Mobile Phones, Personal Digital Assistants, And Stand-Alone Hardware Decoders”, filed on June 29, 2005 and registered on July 20, 2010. A true and correct copy of the SLINGPLAYER registration is attached hereto as Exhibit E.

15. In addition to the Opposer’s senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,859,053, for the mark SLINGPLAYER, covering the services “Providing on-line non-downloadable software to enable streaming of video, image, audio and data information; providing on-line non-downloadable software to enable information transmission via electronic communications networks”, filed on August 24, 2009 and registered on July

27, 2010. A true and correct copy of the SLINGPLAYER registration is attached hereto as Exhibit F.

16. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,720,083, for the mark SLINGSTREAM, covering the goods "computer hardware and software for streaming audio and video content to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants, and stand-alone hardware decoders", filed on June 29, 2005 and registered on December 1, 2009. A true and correct copy of the SLINGSTREAM registration is attached hereto as Exhibit G.

17. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,812,922, for the mark SLINGLINK, covering the goods "Computer hardware and software for providing access to the Internet from a variety of network devices, namely, personal computers, stand-alone hardware decoders, audio/video receivers, digital video recorders, digital media adapters, satellite receivers, cable receivers, terrestrial television receivers, and televisions; broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems", filed on May 26, 2009 and registered on July 6, 2010. A true and correct copy of the SLINGLINK registration is attached hereto as Exhibit H.

18. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,644,003, for the mark SLINGCATCHER, covering the goods "Computer hardware and software for use in delivering audio, video and image content and information to televisions or other video monitors", filed on January 9, 2007 and registered on June 23, 2009. A true and correct copy of the SLINGCATCHER registration is attached hereto as Exhibit I.

19. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names, Opposer is the owner of earlier filed United States Trademark 3,680,189 for the mark SLINGPROJECTOR, covering the goods "Computer software for use in transmitting a combination of the audio, video and image output from a computer over a network for display on a television or other video monitor", filed on January 9, 2007 and registered on September 8, 2009. A true and correct copy of the SLINGPROJECTOR registration is attached hereto as Exhibit J.

20. In addition to the Opposer's senior, common law rights in the SLING Marks and trade names and United States Trademark Registrations 3,402,927, 3,581,637, 3,644,003, 3,680,189, 3,719,986, 3,720,083, 3,812,922, 3,823,242, 3,851,688, 3,859,053, Opposer is the owner of the following earlier filed United States Trademark Applications, which were all filed prior to the Applicant's mark:

Mark	Classes	Application Serial No.	Application Date
SLING	9 and 35	77/079,433	January 9, 2007
SLINGLOADED	9 and 38	77/645,845	January 8, 2009
SLINGGUIDE	38 and 42	77/730,779	May 6, 2009
SLINGMONITOR	9	77/730,778	May 6, 2009
SLING	42	77/730,783	May 6, 2009

21. The SLING trademark application, U.S. Serial No. 77/079,433, covers the following goods in class 9: "Television sets; liquid crystal displays."

22. The SLING trademark application, U.S. Serial No. 77/079,433, covers the following services in class 35 "Advertising services, promotion and marketing services consisting of providing electronic media or information over the Internet or other communications network."

23. The SLING trademark application, U.S. Serial No. 77/730,783 , covers the following goods in class 42: “computer services, namely, uploading video, image, audio and data information to the Internet for others.”

24. The SLINGMONITOR trademark application, U.S. Serial No. 77/730,778 covers the following goods in class 9: “Video apparatus, namely, television screens, plasma displays, liquid crystal displays, computer displays, personal computers, and television sets.”

25. The SLINGGUIDE trademark application, U.S. Serial No. 77/730,779 covers the following goods in class 9: “Streaming of audio and video material on the Internet; information transmission via electronic communications networks; electronically transmitting video, image, audio and data information; providing access to electronic sites featuring video, image, audio, and data information.”

26. The SLINGGUIDE trademark application, U.S. Serial No. 77/730,779 covers the following goods in class 42: “Providing websites featuring on-line non-downloadable software allowing website users to remotely access, record and view television programming via personal computers, mobile phones, personal digital assistants, and laptop computers; providing websites featuring on-line non-downloadable software allowing website users to search, categorize, and display video, image, audio, and data information in the field of entertainment and general interest.”

27. The SLINGLOADED trademark application, U.S. Serial No. 77/645,845 covers the following goods in class 9: “Computer hardware for streaming audio, video, image and data information to a variety of client devices, namely, televisions, personal computers, mobile phones, personal digital assistants (PDA), and audio and video decoders; software for streaming audio, video, image and data information to a variety of client devices, namely, televisions, personal computers, mobile phones, personal digital assistants (PDA), and audio and video decoders; television sets; personal computers, mobile phones; storage devices, namely, flash drives, flash disks, memory keys, data

keys, and data sticks for storing audio, video, image, and data information; place shifting devices for viewing live or recorded audio and video content from remote locations; audio decoders; video decoders; displays, namely, computer displays, computer monitors, liquid crystal displays; satellite, cable, and terrestrial television receivers; digital camcorders; digital cameras; portable media players; home audio and video servers; audio/video receivers; digital video recorders; digital media adapters; video processors; video transmitters; electronic apparatus and devices for controlling access to pay-television services; communications software, namely, networking software for audio, video and data distribution systems; distribution systems comprised of computer hardware and computer software for transmitting audio, video and data signals from a receiver to presentation client devices; remote controls for televisions, radios, stereos, television receivers, multimedia devices, personal computers and media servers; personal digital assistants (PDA); video capture cards; networked security cameras; software reflecting the on-screen listings of available television programming; broadband power line communication devices comprised of computer hardware, computer software and modems for transmitting data over power lines. software to enable uploading, posting, showing, modifying, displaying, tagging, blogging, sharing or otherwise providing electronic media and information over the Internet or other communications networks; computer hardware and software for controlling the operation of audio and video devices and for viewing, searching and playing audio, video, television, movies, photographs and other digital images; portable digital electronic devices, namely, mobile telephones, personal digital assistants, portable media players and laptop computers for recording, organizing, transmitting, receiving, manipulating, playing and reviewing data, image, audio, and video information; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing data, image, audio, and video information; and parts for the aforementioned goods; and operator maintenance and instructional manuals distributed as a unit with the aforementioned goods.”

28. The SLINGLOADED trademark application, U.S. Serial No. 77/645,845 covers the following services in class 38: “Transmission of video, image, audio and data information via satellite, cable, wireless, Internet, fiber optics, and computer

communication networks; streaming of audio and video material on the Internet; information transmission via electronic communications networks; audio and video broadcasting services over the Internet or other communications networks; providing access to electronic sites featuring information, audio and video via websites, online forums, chat rooms and blogs; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the fields of entertainment and general interest; telecommunication services, namely, transmission of video, image, audio, and data information via satellite, cable, wireless and fiber optic technology for display in connection with television viewing and in global computer networks; television transmission services.”

29. Applicant has filed a use based application to register the mark APPSLINGERS for “Application service provider (ASP), namely, hosting computer software applications of others; Application service provider featuring application programming interface (API) software for allowing data retrieval, upload, access and management; Application service provider featuring application programming interface (API) software for use in building software applications; Application service provider featuring software for providing an on-line database in the field of transaction processing to upload transactional data, provide statistical analysis, and produce notifications and reports; Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Application service provider, namely, providing, hosting, managing, developing, researching, analyzing, reporting, and maintaining applications, software, web sites, and databases of others in the fields of healthcare, benefits programs, employee productivity, risk management; Application service provider, namely, providing, hosting, managing, developing, researching, tracking, analyzing, reporting, and maintaining applications, software, web sites, and databases of others in the fields of advertising and marketing; Back-up services for computer hard drive data; Building and maintaining websites; Charitable services, namely, providing a website that enables children of a

school district to communicate with a charity of their choice; Charitable services, namely, providing computer equipment to schools; Cloud computing featuring software for use in virtualization, hosting, database management and application hosting; Computer aided design for others; Computer aided graphic design; Computer and computer software rental. Computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; Computer code conversion for others; Computer compatibility services, namely, data mapping; Computer consultation; Computer consultation in the field of computer security; Computer diagnostic services; Computer disaster recovery planning; Computer forensic services; Computer graphics services; Computer hardware and software consulting services; Computer hardware and software design; Computer hardware development; Computer modeling services, namely, computer simulation from computer programs for others; Computer monitoring service which tracks application software performance, performs periodic maintenance and provides reports and alerts concerning such performance; Computer monitoring service which tracks hardware performance and processes and sends out historical reports and alerts; Computer network design for others; Computer programming; Computer programming and computer system analysis; Computer programming and maintenance of computer programs; Computer programming and rental of computer programs; Computer programming and software design; Computer programming consultancy; Computer programming for others; Computer programming in the medical field; Computer programming services; Computer programming services for commercial analysis and reporting; Computer programming services for customers that enables the customer's digital devices to process natural language queries from end users; Computer programming services for others in the field of software configuration management; Computer programming services to create online facilities that will provide telecommunications support; Computer programming services, namely, content creation for virtual worlds and three dimensional platforms; Computer project management services; Computer project management services in the field of telecommunications; Computer security consultancy. Computer security consultancy in the field of scanning and penetration testing of computers and networks to assess information security vulnerability; Computer security service, namely, hard drive erasure; Computer security

service, namely, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities; Computer service, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data to allow users to perform, on-line, the collecting and analyzing of different types of opinion surveys; Computer service, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of hosting email accounts, websites, applications and Intranet sites for commercial clients; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; Computer services, namely, computer system administration for others. Computer services, namely, continual monitoring and updating of a customer's English website for changes and editing and making these changes to the customer's multilingual website(s) without involvement from the customer's internal IT resources; Computer services, namely, creating an on-line community for registered users to participate in competitions, showcase their skills, get feedback from their peers, form virtual communities, engage in social networking and improve their talent; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media and topics on jewelry and fashion accessories; Computer services, namely, creating an on-line community for registered users to showcase their vehicles, participate

in competitions, get feedback from their peers, form virtual communities, and engage in social networking; Computer services, namely, creating an on-line community of land owners concerned with land stewardship; Computer services, namely, creating an on-line virtual environment for trading virtual real estate; Computer services, namely, creating and maintaining web sites for others; Computer services, namely, creating indexes of information, sites and other resources available on computer networks; Computer services, namely, data recovery services; Computer services, namely, database development services, namely, configuration and customization of computer databases containing information regarding public health care eligibility; Computer services, namely, designing and implementing network web pages for others. Computer services, namely, designing and implementing on demand web sites in the nature of turnkey packages allowing customers to create ecommerce web sites for the purpose of uploading photos and creating gifts; Computer services, namely, designing and implementing web sites for others; Computer services, namely, digital formatting and compression of music and images, namely, processing of digital music and video images into downloadable products; Computer services, namely, electronically gathering, analyzing and formatting data to track, locate, monitor and log operations in the oil industry; Computer services, namely, filtering of unwanted e-mails; Computer services, namely, hosting an interactive web site that allows families to record and display family profiles, relationships, interests, audio and video content; Computer services, namely, hosting an interactive web site that allows users to upload, store and maintain automotive repair records, manage online records of services performed on their vehicles, and receive automated service reminders, safety alerts, recall alerts, and special discount offers; Computer services, namely, hosting and maintaining an on-line web site for others to access their email accounts, documents, websites, Intranet sites, and applications; Computer services, namely, hosting of inspection, testing, and quality control services' digital content of others; Computer services, namely, hosting on-line interactive public calendars that allow multiple participants to share event schedules, facility reservations, and transportation requests; Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions. Computer services, namely, hosting on-line web facilities for others to showcase songwriting and musical

talents and for facilitating and conducting online connections, collaborations, and interactive discussions about songwriting and music; Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; Computer services, namely, managing on-line waitlists and automation of the waitlist process for others; Computer services, namely, managing web sites for others; Computer services, namely, microcontroller programming; Computer services, namely, monitoring and reporting on the performance, availability, and errors of web sites of others; Computer services, namely, monitoring the performance of participants at sporting events by tracking a computer chip worn by a sporting participant; Computer services, namely, monitoring the web sites of others to improve scalability and performance of web sites of others; Computer services, namely, monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the web sites of others; Computer services, namely, on-line scanning, detecting, quarantining and eliminating viruses, worms, trojans, spyware, adware, malware and unauthorized data and programs on computers and electronic devices; Computer services, namely, providing a web site for others that automates party and entertainment events management that consists of guest lists, guest information, restaurant information, gift registry information, gift cost sharing, and invitation creation and delivery; Computer services, namely, providing a web-based system and online portal featuring on-line non-downloadable software that enables users to access training, education, testing and certification materials in the field of education. Computer services, namely, providing a web-based system and online portal for customers to remotely manage, administer, modify and control their end user computer devices, data and software applications; Computer services, namely, providing an interactive web site that allows users to collect, store, manage, deliver and showcase electronic and paper-based content; Computer services, namely, providing an interactive web site that allows users to create their own books; Computer services, namely, providing search engines for obtaining data from journals and other publications on a global computer network; Computer services, namely, providing search engines for obtaining data on a global computer network; Computer services, namely, providing search platforms to allow users to request content from and receive content to a mobile device; Computer services,

namely, redirecting electronic mail to changed personal electronic address; Computer services, namely, remote and on-site management of electronic messaging systems and applications for others; Computer services, namely, remote and on-site management of the information technology (IT) systems of others; Computer services, namely, remote management of computer applications for others; Computer services, namely, search engine optimization; Computer services, namely, the re-direction and forwarding of messages; Computer services, namely, uploading music to the Internet for others; Computer site design; Computer software consultancy; Computer software consultation; Computer software consulting; Computer software design; Computer software design and updating; Computer software design for others; Computer software design, computer programming, or maintenance of computer software; Computer software development; Computer software development and computer programming development for others. Computer software development in the field of freight transportation by truck, rail, air and ocean; Computer software development in the field of mobile applications; Computer software development in the field of databases and applications; Computer software installation and maintenance; Computer software rental; Computer system design services; Computer systems analysis; Computer systems integration services; Computer technical support services, namely, 24/7 service desk/help desk services for IT infrastructure, operating systems, database systems, and web applications.; Computer technology support services, namely, help desk services; Computer time-sharing services; Computer virus protection services; Computer-aided engineering services for others; Conducting electronic discovery services via global computer networks for lawyers and corporations; Consultation services in the fields of selection, implementation and use of computer hardware and software systems for others; Consulting in the field of configuration management for computer hardware and software; Consulting services in the field of cloud computing; Consulting services in the field of computer-based information systems for businesses; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; Consulting services in the field of hosting computer software applications; Consulting services in the field of identification, support, and implementation of computer-based information systems for businesses; Consulting services in the field of providing online,

non-downloadable software and applications; Consulting services, namely, designing, creating, implementing and maintaining computer software for owners, managers and other personnel to set-up, open, operate and manage a commercial climbing facility; Creating of computer programs; Creating, maintaining, and modernizing computer software. Customization of computer hardware and software; Data conversion of computer program data or information; Data conversion of computer programs and data, not physical conversion; Debugging computer software for others; Design and creation of computer-modeled versions of human beings using computer animation for use in movies, television, internet and other applications; Design and creation of computer-modeled versions of human beings using computer animation for use in movies, television, internet, games and other applications; Design and development of computer game software and virtual reality software; Design and development of computer hardware; Design and development of computer hardware and software; Design and development of computer hardware for the manufacturing industries; Design and development of computer software; Design and development of computer software for the improvements of purchasing functions of business; Design and development of computers and programs for computers; Design and development of integrated data collection and wireless transmission hardware systems for equipment and for software applications associated with that equipment at mining, construction, and industrial sites; Design and development of on-line computer software systems; Design and development of wireless computer networks; Design and maintenance of computer sites for third parties; Design for others in the field of computer networks, software, and engineering for the small to medium size businesses; Design of computer database; Design of computer hardware, integrated circuits, communications hardware and software and computer networks for others; Design of computer machine and computer software for commercial analysis and reporting. Design of computer networks and software for others for the purpose of remote access; Design of computer programs and software relating to aircraft; Design of computers; Design of computers for others; Design of home pages, computer software and web sites; Design of homepages and websites; Design of patterns for application to aircraft propellers; Design, creation, hosting and maintenance of internet sites for third parties; Design, creation, hosting, maintenance of websites for

others; Design, development, installation and maintenance of computer software; Design, engineering, research, development and testing services in the field of polymeric materials, polymer synthesis, and materials customization for medical, scientific, and technological applications; Design, installation, updating and maintenance of computer software; Design, maintenance, development and updating of computer software; Design, updating and rental of computer software; Design, upgrading and rental of computer software; Designing and developing computer game software and video game software for use with computers, video game program systems and computer networks; Designing and developing webpages on the internet; Designing and modifying computer programs and video games for others; Designing computer software for controlling self-service terminals; Designing websites for advertising purposes; Designing, creating, maintaining and hosting online retail and electronic commerce websites for others; Developing and managing application software and databases for delivery of multi-media content provided by museums and other tour venues for use on multiple types of wireless mobile devices; Developing and updating computer software; Developing computer programs for electronic cash register systems; Developing computer software; Development and creation of computer programmes for data processing. Development of computer hardware for computer games; Development of computer programs recorded on data media (software) designed for use in construction and automated manufacturing (cad/cam); Digital compression of computer data, business files, multiple media files; Digital transfer services for transferring home videos and film to DVD and the internet; Displaying the web sites and images of others on a computer server; Document data transfer from one computer format to another; Duplicating computer programs; Duplication of computer programs; Electronic digitizing of photographs into a computer readable media; File sharing services, namely, providing a website featuring technology enabling users to upload and download electronic files; Hosting an on-line community web site featuring blogs, email accounts, documents, Intranet websites, and applications; Hosting an online community website featuring shared communications between community members interested in personal and small business computer information security; Hosting an online website featuring email accounts, Intranet websites, and applications; Hosting of digital content on the Internet; Hosting of web sites; Hosting the

digital audio and video content of others for the purpose of enabling hotel, inn, and other lodging establishment guests to download the content on a pay per view basis; Hosting the software, websites and other computer applications of others on a virtual private server; Hosting the web sites of others; Hosting the web sites of others on a computer server for a global computer network; Hosting websites on the Internet; Installation and maintenance of computer software; Installation and maintenance of Internet access software; Installation of computer software. Installation, maintenance and repair of computer software; Installation, maintenance and repair of software for computer systems; Installation, repair and maintenance of computer software; Installing computer programs; Integration of computer systems and networks; Leasing computer facilities; Leasing of computers; Lighting design and technology specification services pertaining to permanent or temporary architectural, theatrical, entertainment, commercial and/or residential applications; Maintenance and updating of computer software; Maintenance and upgrading of computer software; Maintenance of computer software; Maintenance of computer software relating to computer security and prevention of computer risks; Maintenance of computer software used for operating filling apparatus and machines; Maintenance of software for Internet access; Maintenance of websites and hosting on-line web facilities for others; Monitoring the computer systems of others for technical purposes and providing back-up computer programs and facilities; On-line batch computer services; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos; Periodic upgrading of computer software for others; Planning, design, development, maintenance and optimization of online websites for third parties; Preparation, update, installation and maintenance of computer software; Professional computer services, namely, network analysis, LAN/WAN design, wireless engineering, virtualization and computer project management; Programming of computer software for others; Programming of multimedia applications; Providing a secured-access website that gives registered Internet networked institutions the ability to upload, view, copy, print, download and share documents and images for the purposes of conducting consumer-driven transactions; Providing a web site featuring technology that enables internet users to book travel. Providing a web site featuring technology that enables internet users to

create, bookmark, annotate, and publicly share data; Providing a web site featuring technology that enables internet users to create, bookmark, annotate, and publicly share fitness-related data, as well as providing health and fitness professionals with a subscription-based client management system; Providing a web site featuring technology that enables internet users to develop individual playlists that create personalized TV viewable channels from favorite web sites for independent or simultaneous viewing or sharing of channels; Providing a web site featuring technology that enables internet users to share documents, images and videos; Providing a web site featuring technology that enables internet users to submit comments of personal recognition; Providing a web site that features information on computer technology and programming; Providing a web site that gives computer users the ability to upload and share user-generated videos, essays and articles on a wide variety of topics and subjects; Providing a web site that gives computer users the ability to upload and share video-based scientific protocols and other scientific-based videos; Providing a web site that gives computer users the ability to upload and share videos describing what they would do to better the world or their community if they were awarded one million dollars; Providing a web site that gives computer users the ability to upload and share videos providing inspiration and motivation for women. Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Providing a web site that gives computer users the ability to upload, exchange and share prayers; Providing a web site that gives multiple computer users simultaneously the ability to upload, create and edit documents, printed publications, online publications, photographs, product packaging and advertisements; Providing a website allowing users to upload and download music; Providing a website featuring a media aggregator and search engine for internet content; Providing a website featuring a searchable on-line quality evaluation of rarities for the purpose of measuring the scarcity of rare collectible objects; Providing a website featuring environmental information about climate change and bio-diversity; Providing a website featuring information about green architecture, interior design, sustainable community planning and infrastructure development; Providing a website featuring information about investigational medical devices, diagnostic and drugs; Providing a website featuring information in the field of interior design and architecture for use by

interior designers and architects; Providing a website featuring non-downloadable videos featuring scientific information in the field of climate change; Providing a website featuring on-line non-downloadable software that enables users to create audio drama series and episodes, write scripts, audition and assign talent, record and mix audio, publish produced audio dramas, track and analyze audio drama statistics, advertise and market audio dramas, and stream and/or download audio dramas; Providing a website featuring on-line non-downloadable software tools for image editing. Providing a website featuring technology that enables users to list, share and view information describing the geographic location of various interests of the user; Providing a website featuring technology that enables users to upload and share user-generated videos on a wide variety of topics and subjects; Providing a website that enables users to subscribe to coaching, mentoring, and/or educational services and to enable users to author and publish instructional content for others; Providing a website that features technology that enables the secure exchange of information by users; Providing a website that gives computer users the ability to subscribe to online publications permitting searches of building codes and standards; Providing a website that gives users the ability to create customized web pages featuring user-defined information; Providing a website that gives users the ability to create customized web pages featuring user-defined profiles; Providing a website that gives users the ability to purchase downloadable music; Providing a website that gives users the ability to vote for their favorite musical artists; Providing an interactive website featuring technology that allows users to enter, access, and synthesize information and generate reports for use in consulting with executives and businesses; Providing an interactive website featuring technology that allows users to upload, download, share and sell custom and branded digital publications; Providing an online website for creating and hosting micro websites for businesses; Providing computer programming services to customers that enables the customer's website to process natural language queries. Providing computer programming services to customers that enables them to provide video and audio content on their web sites; Providing customer-defined generated content and content of others automatically selected and customized based on the known or estimated geographical location of an Internet, mobile telephone or other wired or wireless digital network based customer; Providing information at the specific request of

end-users by means of telephone or global computer networks; Providing information in the fields of forensic science via the Internet; Providing information relating to on-line non-downloadable software to facilitate electronic communication between individuals provided via the Internet; Providing internet based data capture services that enable the exchange of information via the internet from residential mortgage borrowers to institutions for use in loan workouts; Providing medical research and scientific research information in the field of oncology via the Internet; Providing online research and reference services via an on-line computer network by librarians and reference service specialists; Providing periodic updates to subscribers of web feeds pulled from websites selected by the subscriber by means of electronic mail; Providing specific information as requested by customers via the Internet; Providing technical information updates of industrial process control computer software via the global computer network; Providing technology information updates for home security systems via the global computer network; Providing temporary use of non-downloadable cognitive stimulation computer programs that help maintain an active brain and thus improve memory, speed of processing, and that provide a variety of cognitive benefits that positively impact quality of life; Providing temporary use of non-downloadable computer software for preparing invoices over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for preparing shipping documents over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for shipment processing over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking documents over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking freight over computer networks, intranets and the internet; Providing temporary use of non-downloadable computer software for tracking packages over computer networks, intranets and the internet; Provision of Internet search engines; Provision of search engines for the Internet; Recovery of computer data; Remote computer backup services; Remote computer network technical monitoring and software maintenance services; Remote online backup of computer data; Rental and maintenance of computer software; Rental of application software; Rental of computer hardware; Rental of computer hardware and computer

peripherals; Rental of computer hardware and computer software; Rental of computer software; Rental of computer software and programs; Rental of computer software, data processing equipment and computer peripheral devices; Rental of computers; Rental of computers and software; Rental of computers relating to computer security and prevention of computer risks; Rental of software for Internet access; Rental services relating to data processing equipment and computers; Renting computer software; Repair of computer software; Repair of damaged computer programs; Research and development of computer software; Research, development, design and upgrading of computer software. Room design consisting of selection of artwork, lighting, and furnishings for an environment designed to help achieve mental wellness, including stress management and relaxation, using computer controlled advanced sound wave technology; Scientific and technological services and research and design in the field of integrated system architecture that allows for the rapid development of highly interactive and customizable learning applications; Searching and retrieving information, sites, and other resources available on computer networks for others; Software as a service (SAAS) services, namely, hosting software for use by others for use to access applications, documents and data remotely, access email accounts, access Intranets and databases; Technical consulting and assistance with computer-based information systems and components; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services; Technical support services, namely, 24x7 monitoring of network systems, servers and web and database applications and notification of related events and alerts; Technical support services, namely, installation, administration, and troubleshooting of web and database applications; Technical support services, namely, migration of datacenter, server and database applications; Technical support services, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications; Technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technical support services, namely, troubleshooting of

computer software problems. Technical support services, namely, troubleshooting of industrial process control computer software problems; Technical support, namely, providing back-up computer programs and facilities; Technological consultation in the technology field of hosted computers, virtualization, datacenter setups, hosted applications, databases design, management and hosting; Technology advice provided to Internet users by means of a support hotline; Think tank services, namely, providing new ideas and concepts for web-based applications for others; Tracking and reporting of online website performance to determine the technological effectiveness of the websites for non-business purposes; Up-dating of computer software; Update of computer software; Updating and design of computer software; Updating and maintenance of computer software; Updating of computer programs for third parties; Updating of computer software for others; Updating of computer software relating to computer security and prevention of computer risks; Updating websites for others; Web site hosting services; Website design and development for others; Website development for others; Website usability testing services; Writing and updating computer software.” The application was filed on March 10, 2010 and was assigned Serial No. 77/955,646.

30. Applicant’s mark so resembles Opposer’s previously used SLING Marks, trade names, registered trademarks and trademarks applications as to be likely, when applied to the goods set forth in Applicant’s application, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

31. Applicant’s goods and services listed in the APPSLINGERS trademark application are identical, highly related and/or within the natural zone of expansion of Opposer’s goods and services.

32. Applicant’s services appeal to the same class of consumers and are likely to be offered through the same or similar channels of trade as Opposer’s goods and services.

33. Applicant's use and registration of the APPSLINGERS mark in connection with computer software applications, computer services, audio and video web sites and related goods, products and services will cause Opposer injury because such use is likely to cause confusion and/or mistake by wrongly leading consumers to believe that Applicant's goods, products and services are provided by, sponsored by, or somehow associated with Opposer. Accordingly, Applicant's APPSLINGERS mark is not entitled to registration under 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that this Notice of Opposition be sustained, that Applicant's Trademark Application Serial No. 77/955,646 be rejected, and that Applicant be denied registration of APPSLINGERS as a trademark for the goods specified in the Application.

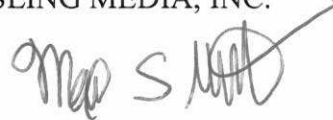
This Notice of Opposition is being submitted along with the requisite \$300.00 fee. Please charge any additional fees to Deposit Account No. 50-1072.

ATTORNEYS FOR OPPOSER

Please recognize as attorneys for Opposer in this proceeding Max S. Gratton and John T. Kennedy, members of the Bar of the State of Colorado, whose address is DISH Network L.L.C., 9601 S. Meridian Blvd, Englewood, CO 80112.

Respectfully submitted:

SLING MEDIA, INC.

A handwritten signature in dark ink, appearing to read 'Max S. Gratton', is written over a horizontal line.

Dated: November 12, 2010

Max S. Gratton
Attorney for Opposer
DISH Network L.L.C.
9601 S. Meridian Blvd
Englewood, CO 80112
Phone – (303) 723-1616
Fax – (303) 723-2588

**In the matter of Trademark Serial No. 77/955,646 for the trademark
APPSLINGERS filed March 10, 2010 by Burhan U. Ahmed.**

Certificate of Service

The undersigned hereby certifies that a copy of this paper is being served upon all parties to this proceeding at the address recorded in the following manner on the date this filing is submitted:

- ☐ First Class Mail
- ☐ Person Delivery
- ☒ USPS Express Mail Post Office to Addressee
- ☐ Overnight Courier
- ☐ Facsimile or email

Burhan U. Ahmed
5540 Centerview Drive
Suite 200
Raleigh, North Carolina 27606



Max S Gratton

**In the matter of Trademark Serial No. 77/955,646 for the trademark
APPSLINGERS filed March 10, 2010 by Burhan U. Ahmed.**

Certificate of Service

The undersigned hereby certifies that a copy of this paper is being served upon all parties to this proceeding at the address recorded in the following manner on the date this filing is submitted:

- ☐ First Class Mail
- ☐ Person Delivery
- ☒ USPS Express Mail Post Office to Addressee
- ☐ Overnight Courier
- ☐ Facsimile or email

Mark W. Ishman
Ishman Law Firm, P.C.
9660 Falls of Neuse Road, Suite 138-350
Raleigh, NC 27615



Max S Gratton

Exhibit A

United States of America

United States Patent and Trademark Office

SLING

Reg. No. 3,719,986 SLING MEDIA, INC. (DELAWARE CORPORATION)

Registered Dec. 1, 2009 1051 E. HILLSDALE BLVD.

SUITE 500

FOSTER CITY, CA 94404

Int. Cls.: 9, 38, and 41

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

FOR: COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO, VIDEO, IMAGE AND DATA INFORMATION TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS (PDA), AND STAND-ALONE HARDWARE DECODERS, NAMELY, AUDIO DECODERS AND VIDEO DECODERS; AUDIO/VIDEO RECEIVERS; DIGITAL MEDIA ADAPTERS; VIDEO PROCESSORS; VIDEO TRANSMITTERS; REMOTE CONTROLS FOR TELEVISIONS AND STEREOS; ELECTRONIC DEVICES, NAMELY, DIGITAL MEDIA STREAMING DEVICES; COMPUTER HARDWARE; COMPUTER SOFTWARE FOR RECEIVING DIGITAL VIDEO OVER A COMMUNICATION NETWORK FROM ANOTHER DEVICE; COMPUTER SOFTWARE FOR USE IN ORGANIZING, TRANSMITTING, RECEIVING, PLAYING AND REVIEWING DATA, IMAGE, AUDIO, AND VIDEO FILES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-16-2005; IN COMMERCE 6-16-2005.

FOR: TRANSMITTING VIDEO, IMAGE, AUDIO AND DATA INFORMATION VIA COMPUTER NETWORKS; STREAMING OF AUDIO AND VIDEO MATERIAL ON THE INTERNET; INFORMATION TRANSMISSION VIA ELECTRONIC COMMUNICATIONS NETWORKS; AUDIO AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORKS, NAMELY, ELECTRONICALLY TRANSMITTING INFORMATION, AUDIO, AND VIDEO CONTENT; PROVIDING ACCESS TO ELECTRONIC SITES FEATURING INFORMATION, AUDIO, VIDEO, ONLINE FORUMS, AND BLOGS; PROVIDING ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-24-2008; IN COMMERCE 11-24-2008.

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEBSITE FEATURING INFORMATION IN THE FIELD OF ENTERTAINMENT, PROVIDING A WEBSITE FEATURING AUDIO CLIPS FROM A WIDE VARIETY OF TELEVISION PROGRAMS AND MOVIES; AND PROVIDING A WEBSITE FEATURING VIDEO CLIPS; ON-LINE JOURNALS, NAMELY, BLOGS FEATURING AUDIO CLIPS, VIDEO CLIPS, AND OTHER MULTIMEDIA MATERIALS IN THE FIELD OF ENTERTAINMENT. ENTERTAINMENT SERVICES, NAMELY, PROVIDING A WEBSITE FEATURING INFORMATION IN THE FIELD OF ENTERTAINMENT, PROVIDING A WEBSITE FEATURING AUDIO CLIPS FROM A WIDE VARIETY OF TELEVISION PROGRAMS AND MOVIES, AND PROVIDING A WEBSITE FEATURING VIDEO CLIPS; ON-LINE JOURNALS, NAMELY, BLOGS FEATURING AUDIO CLIPS, VIDEO



David J. Kyffos

Director of the United States Patent and Trademark Office

Reg. No. 3,719,986 CLIPS, AND OTHER MULTIMEDIA MATERIALS IN THE FIELD OF ENTERTAINMENT,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-24-2008; IN COMMERCE 11-24-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-977,698, FILED 1-9-2007.

THOMAS MANOR, EXAMINING ATTORNEY

Exhibit B

United States of America

United States Patent and Trademark Office

SLING

Reg. No. 3,851,688

Registered Sep. 21, 2010

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

SLING MEDIA INC. (DELAWARE CORPORATION)
1051 E. HILLSDALE BLVD., SUITE 500
FOSTER CITY, CA 94404

FOR: PROVIDING ON-LINE NON-DOWNLOADABLE SOFTWARE TO ENABLE STREAMING OF VIDEO, IMAGE, AUDIO AND DATA INFORMATION; PROVIDING ON-LINE NON-DOWNLOADABLE SOFTWARE TO ENABLE INFORMATION TRANSMISSION VIA ELECTRONIC COMMUNICATIONS NETWORKS; COMPUTER SERVICES, NAMELY, CREATING INDEXES OF INFORMATION AND MULTIMEDIA MATERIALS AVAILABLE ON COMPUTER NETWORKS; COMPUTER SERVICES, NAMELY, PROVIDING SEARCH PLATFORMS TO ALLOW USERS TO FIND VIDEO, IMAGE, AUDIO, AND DATA INFORMATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-24-2008; IN COMMERCE 11-24-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,067, FILED 5-6-2009.

STEVEN R. FINE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Exhibit C

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 3,402,927

United States Patent and Trademark Office

Registered Mar. 25, 2008

TRADEMARK
PRINCIPAL REGISTER

SLINGBOX

SLING MEDIA, INC. (DELAWARE CORPORATION)
1051 E. HILLSDALE BLVD, SUITE 500
FOSTER CITY, CA 94404

FOR: COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO AND VIDEO CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS (PDA'S) AND STAND-ALONE HARDWARE DECODERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-16-2005; IN COMMERCE 6-16-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-430,660, FILED 6-6-2004.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

Exhibit D

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,581,637

Registered Feb. 24, 2009

TRADEMARK
PRINCIPAL REGISTER

SLING MEDIA

SLING MEDIA, INC. (DELAWARE CORPORATION)

1051 E. HILLSDALE BLVD, SUITE 500
FOSTER CITY, CA 94404

FOR: COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO AND VIDEO CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS (PDA'S), AND STAND-ALONE HARDWARE DECODERS; AUDIO/VIDEO RECEIVERS, DIGITAL MEDIA ADAPTERS, VIDEO PROCESSORS, VIDEO TRANSMITTERS, REMOTE CONTROLS, SWITCHES, DIGITAL VIDEO DISTRIBUTION SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-16-2005; IN COMMERCE 6-16-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEDIA", APART FROM THE MARK AS SHOWN.

SN 78-430,073, FILED 6-4-2004.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

Exhibit E

United States of America

United States Patent and Trademark Office

SLINGPLAYER

Reg. No. 3,823,242

Registered July 20, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SLING MEDIA, INC. (DELAWARE CORPORATION)
1051 E. HILLSDALE BLVD, SUITE 500
FOSTER CITY, CA 94404

FOR: DOWNLOADABLE COMPUTER SOFTWARE FOR STREAMING AUDIO AND VIDEO CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS, AND STAND-ALONE HARDWARE DECODERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-16-2005; IN COMMERCE 6-16-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-661,262, FILED 6-29-2005.

ELISSA GARBER KON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit F

United States of America

United States Patent and Trademark Office

SLINGPLAYER

Reg. No. 3,859,053

Registered Oct. 12, 2010

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

SLING MEDIA, INC. (DELAWARE CORPORATION)
1051 E. HILLSDALE BLVD.
FOSTER CITY, CA 94404

FOR: PROVIDING ON-LINE NON-DOWNLOADABLE SOFTWARE TO ENABLE STREAMING OF VIDEO, IMAGE, AUDIO AND DATA INFORMATION; PROVIDING ON-LINE NON-DOWNLOADABLE SOFTWARE TO ENABLE INFORMATION TRANSMISSION VIA ELECTRONIC COMMUNICATIONS NETWORKS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 11-23-2008; IN COMMERCE 11-23-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,402,927, 3,719,986 AND OTHERS.

THE WORDING "SLINGPLAYER" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 77-811,266, FILED 8-24-2009.

ANDREW RHIM, EXAMINING ATTORNEY



David J. Kyfas

Director of the United States Patent and Trademark Office

Exhibit G

United States of America

United States Patent and Trademark Office

SLINGSTREAM

Reg. No. 3,720,083 SLING MEDIA, INC. (DELAWARE CORPORATION)
Registered Dec. 1, 2009 1051 E. HILLSDALE BLVD, SUITE 500
FOSTER CITY, CA 94404

Int. Cl.: 9 FOR: COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO AND VIDEO
CONTENT TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS,
MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS, AND STAND-ALONE HARDWARE
DECODERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK
PRINCIPAL REGISTER

FIRST USE 11-30-2006; IN COMMERCE 11-30-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-661,259, FILED 6-29-2005.

ELISSA GARBER KON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit H

United States of America

United States Patent and Trademark Office

SLINGLINK

Reg. No. 3,812,922

Registered July 6, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SLING MEDIA, INC. (DELAWARE CORPORATION)
SUITE 500
1051 E. HILLSDALE BLVD.
FOSTER CITY, CA 94404

FOR: COMPUTER HARDWARE AND SOFTWARE FOR PROVIDING ACCESS TO THE INTERNET FROM A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, STAND-ALONE HARDWARE DECODERS, AUDIO/VIDEO RECEIVERS, DIGITAL VIDEO RECORDERS, DIGITAL MEDIA ADAPTERS, SATELLITE RECEIVERS, CABLE RECEIVERS, TERRESTRIAL TELEVISION RECEIVERS, AND TELEVISIONS; BROADBAND POWER LINE COMMUNICATION SYSTEMS FOR TRANSFERRING BROADBAND DATA OVER ELECTRICAL POWER LINES, COMPRISED OF COMPUTER HARDWARE, SOFTWARE AND MODEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-7-2005; IN COMMERCE 12-7-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,402,927, 3,581,637, AND 3,644,003.

SER. NO. 77-744,453, FILED 5-26-2009.

KATHLEEN LORENZO, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

Exhibit I

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,644,003

Registered June 23, 2009

TRADEMARK
PRINCIPAL REGISTER

SLINGCATCHER

SLING MEDIA, INC. (DELAWARE CORPORATION)
1051 E. HILLSDALE BLVD., SUITE 500
FOSTER CITY, CA 94404

FOR: COMPUTER HARDWARE AND SOFTWARE FOR USE IN DELIVERING AUDIO, VIDEO AND IMAGE CONTENT AND INFORMATION TO TELEVISIONS OR OTHER VIDEO MONITORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-079,437, FILED 1-9-2007.

JESSICA FATHY, EXAMINING ATTORNEY

Exhibit J

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,680,189

Registered Sep. 8, 2009

**TRADEMARK
PRINCIPAL REGISTER**

SLINGPROJECTOR

SLING MEDIA, INC. (DELAWARE CORPORATION)
SUITE 500
1051 E. HILLSDALE BLVD.
FOSTER CITY, CA 94404

FOR: COMPUTER SOFTWARE FOR USE IN TRANSMITTING A COMBINATION OF THE AUDIO, VIDEO AND IMAGE OUTPUT FROM A COMPUTER OVER A NETWORK FOR DISPLAY ON A TELEVISION OR OTHER VIDEO MONITOR, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-30-2008; IN COMMERCE 9-30-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-079,435, FILED 1-9-2007.

JESSICA FATHY, EXAMINING ATTORNEY